

STATE OF IOWA
PROPERTY ASSESSMENT APPEAL BOARD

Barbara Jo Saathoff,
Appellant,

v.

Polk County Board of Review,
Appellee.

ORDER

Docket No. 14-77-0304
Parcel No. 220/0052-803-000

On December 8, 2014, the above-captioned appeal came on for written consideration before the Iowa Property Assessment Appeal Board. The hearing was conducted under Iowa Code section 441.37A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. The Appellant Barbara Jo Saathoff was self-represented and requested her appeal proceed without a hearing. Assistant County Attorneys David Hibbard and Ralph E. Marasco, Jr. represent the Board of Review. The Appeal Board having reviewed the entire record, and being fully advised, finds:

Findings of Fact

Barbara Jo Saathoff is the owner of 1.033-acres of unimproved land located at 1155 SE 78th Street, Runnells, Iowa. In 2014, the assessor changed the property's classification from agricultural to residential. As a result, the assessment increased from \$1700 in 2013 to \$37,700 in 2014.

Saathoff protested to the Polk County Board of Review stating the property assessment is not equitable as compared with the assessments of other like property in the taxing district under Iowa Code section 441.37(1)(a)(1)(a). However, in a letter attached to the petition, she essentially claims the property is misclassified under section 441.37(1)(a)(1)(c). The Board of Review denied the protest.

Saathoff then appealed to this Board reasserting her claim. She seeks to have the subject property's classification changed back to agricultural and reduce the assessed value to \$15,500.

Saathoff listed four unimproved properties and their assessments on her Board of Review form.

Parcel	Address	2014 Assessed Value
Subject	1155 SE 78th Street	\$ 37,700
220/00468-505-000	762 SE 80th Street	\$ 1,120
220/00468-506-000	798 SE 80th Street	\$ 1,190
222/00522-809-000	956 SE 80th Street	\$ 2,630
220/00430-601-000	7976 SE 9th Avenue	\$ 1,410

No other information was provided about these parcels. Given the scant information above and the minimal assessments, we presume these properties have agricultural classifications. However, we do not know the circumstances of ownership, whether the parcels are primarily used for agricultural purposes, or whether they are used in conjunction with larger farming operations.

Saathoff purchased the subject property in 1999. She reports the subject property has never been farmed and it is intended to be used as a wildlife or nature area. She states that in order to receive an exemption as a wildlife habitat, it has to be classified agricultural. According to Saathoff, the lot is not suitable for residential use because the lot's elevation is lower than the road, it is wet on the lower end of the site, and a septic system would need to be installed.

In the Board of Review Appraiser Analysis, Appraiser Berenguel reported the property is not eligible as a wildlife habitat because it is not classified agricultural. Berenguel indicates adjoining lots in the vicinity are also classified residential.

Here, the evidence demonstrates the subject property has no present or recent use, either agricultural or residential. Further, Saathoff purchased the property fifteen years ago and states that the property has not been farmed to her knowledge. In order to qualify for agricultural classification the property must be in good faith used primarily for agricultural purposes.

Conclusion of Law

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A. This Board is an agency and the provisions of the Administrative Procedure Act apply. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determines anew all questions arising before the Board of Review, but considers only those grounds presented to or considered by the Board of Review. §§ 441.37A(3)(a); 441.37A(1)(b). New or additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.*, 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption the assessed value is correct. § 441.37A(3)(a). However, the taxpayer has the burden of proof. § 441.21(3). This burden may be shifted; but even if it is not, the taxpayer may still prevail based on a preponderance of the evidence. *Id.*; *Richards v. Hardin County Bd. of Review*, 393 N.W.2d 148, 151 (Iowa 1986).

The Iowa Department of Revenue has promulgated rules for the classification and valuation of real estate. *See* IOWA ADMIN. R. 701-71.1. Classifications are based on the best judgment of the assessor following the guidelines set out in the rule. r. 701-71.1(1). Boards of Review, as well as assessors, are required to adhere to the rules when they classify property and exercise assessment functions. r. 701-71.1(2). Property is to be classified “according to its present use and not according to any highest and best use.” r. 701-71.1(1). There can be only one classification per property. r. 701-71.1(1).

By administrative rule, agricultural property

shall include all tracts of land and the improvements and structures located on them which are in *good faith used primarily for agricultural purposes* except buildings which are primarily used or intended for human habitation as defined in subrule 71.1(4). Land and the nonresidential improvements and structures located on it shall be considered to be used primarily for agricultural purposes if its principal use is devoted to the raising and harvesting of crops or forest or fruit trees, the rearing, feeding, and management of livestock, or horticulture, all for *intended profit*.

...

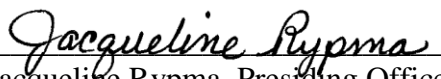
r. 701-71.1(3).

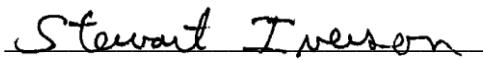
Here, the evidence established there is no present agricultural use on the subject property. Additionally, there also has been no recent agricultural use nor is there an immediate intent to utilize the property for agricultural purposes. Rather, Saathoff indicated she intended it to be used as a wildlife or nature area. Under the existing rules and law for property classification, just because the property may not be desirable for residential use does not also mean the property should be classified agricultural. Saathoff did not prove the property is presently used for agricultural purposes and therefore, the Board finds the property's classification should remain residential.

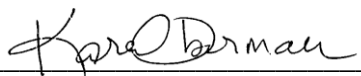
Although the record reflects that the property would not qualify for a wildlife habitat exemption, Iowa Code section 427.1 and its accompanying rules contain a variety of other property tax exemptions which may apply to Saathoff's property. Saathoff may choose to contact the Assessor's Office to inquire about any potentially applicable exemptions for her property or visit the Iowa Department of Revenue's website at <https://tax.iowa.gov/property-tax-credits-and-exemptions> for more information about property tax credits and exemptions.

THE APPEAL BOARD ORDERS the January 1, 2014, assessment of Saathoff's property located at 1155 SE 78th Street in Runnells, Iowa is affirmed.

Dated this 21st day of January, 2015.


Jacqueline Rypma, Presiding Officer


Stewart Iverson, Board Chair


Karen Oberman, Board Member

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